

**Swearingen, Jeffrey R.**

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**From:** Galliani, Bill [bgalliani@cooley.com]  
**Sent:** Wednesday, January 04, 2012 6:30 PM  
**To:** Swearingen, Jeffrey R.  
**Subject:** U.S. Serial Number 10/799,860

Hello Examiner Swearingen,

Thank you for your telephone call on 1/3/12 in which you indicated that claim 12 is allowable and that claims 1 and 15 would also be allowable if they were amended to incorporate limitations of the type found in claim 12. I have conferred with my client with respect to this matter. Claim 12 has a materially different scope than pending claims 1 and 15. We do not believe that we have received a principled rejection of claims 1 and 15. Therefore, while we appreciate receiving your proposal, we need to understand the basis for your rejection of claims 1 and 15. We have successfully appealed this case once before. We will endeavor to do so once again if a rejection is based upon the current position in the file history.

I am available to discuss this live if that would be helpful. Regards,

**Bill Galliani**  
Cooley LLP  
3175 Hanover Street  
Palo Alto, CA 94304-1130  
Direct: 650/843-5622 • Fax: 650/857-0663  
Email: bgalliani@cooley.com • [www.cooley.com](http://www.cooley.com)

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